

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

JUANA VILLEGAS,

Plaintiff,

v.

THE METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
et al.,

Defendants.

No. 3:09-0219

Judge Haynes

ORDER
Upon review of
the record, this
motion is DENIED
as moot.

Will [signature]
4-7-10

MOTION TO DISMISS OF JOHN DOES 1 - 4

Defendant "John Does 1-4" move to dismiss the claims against them pursuant to Federal Rule of Civil Procedure 41(b). Despite having the names of all officers involved in the incident underlying this lawsuit for a number of months, Plaintiff has made no attempts to name the officers or dismiss them. Plaintiff's failure in this regard has precluded these individuals from certain protections that they would otherwise be afforded. First, as Metropolitan Government employees, these individuals are entitled to representation in accordance with the Metropolitan Code of Laws. Second, they are entitled to discuss the possibility of joint representation and issues that arise therein, before deciding who will represent them in this lawsuit. And finally, they are entitled to assert any available defenses, such as qualified immunity, which is immunity from suit, not simply a defense to liability.

In sum, any individual Metropolitan Government employee who Plaintiff intends to name in this lawsuit should be provided the customary protections afforded to any Metropolitan Government employee against whom a constitutional claim is alleged – representation under the Metropolitan Code and any defenses available under applicable law. Plaintiff's delay in either naming or dismissing the "John Doe" defendants in this case has, in essence, precluded these